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INTEROFFICE MEMORANDUM

Date: 27-Oct-1991 10:22am CST  
From: James F. Fritsch  
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TO: Gordon Grundmann ( GRUNDMANN, GORDON A. )  
CC: Steven D. Smith ( SMITH, STEVEN D. )  
CC: Ken Winkler ( WINKLER, KENNETH P. )  
CC: Bruce S. Yare ( YARE, BRUCE S. )

Subject: Dead Creek Project

Gordon, thanks for arranging the briefing meeting with Steve. I think I gained a lot of good background in our short meeting. Via this memo I would like to summarize some of my recommendations for your consideration:

1. There does not appear to be enough time for the contractors to be interviewed, bid basis agreed and contract awarded in time to support the desired activities of: property owner identification, remedy easement identification/philosophy, site access plan, access road enhancement, identification of all permits/notifications required to execute the work, rules related to notification of the public (noise, access, airborne dust/odors, limitation of public access, municipal requirements, etc.), and other related topics. Most of these issues are not contractor nor remedy-specific such that their resolution need wait until the contractor has been selected.

I recommend that we engage a consultant to perform these tasks on our behalf starting immediately. Each has significant lead time and constitute parameters for the contractor bid basis. They could be performed by the contractor currently performing the soil analysis, if he is capable and has the resources available to perform, or alternately with another contractor. I can work with the team to facilitate the initiation of this work.

2. A top priority work item is the identification of the need for a Trust for performance of the work. I suggest a meeting involving Krohma and Dale be pulled together to review the issues related to Monsanto exposure and define the pros/cons for presentation to our management. Steve could best take the leadership on this policy issue. The primary concern is that Monsanto would be executing a partial remedy on property of others and which presents potential for adverse interface with owners (current or future) due to any aspect of the remedy implementation. The treatment of a

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large water-filled pit immediately adjacent to homes presents some concern. The philosophy of direct Monsanto involvement in the overall remedy should be agreed by the highest required authority in Monsanto. Is the Public Relations worth the risk?

While resolution of the above does not directly limit the contractor discussions, it would ultimately affect the amount of liability which we would ask the contractor to assume in the remedy execution, thus creating a contract issue.

3. Related to item 1., above, it is important that all work authorizations and contracts be coordinated as we move into the execution phase. Accordingly, I recommend that the purchase requisition for the current soils analysis contract and its related scope of work be brought into Gordon's control zone. The purchase order could be reissued by Gordon relative to the same contract and Gordon could create and manage the changes to the work thereafter. This move would facilitate the integration of the consultant's activities with those of the forthcoming contractor's. I can help Gordon make this happen quickly, if needed.

4. We should ask the contractors to come in as quickly as possible for discussion of interest, qualifications and thoughts on implementation. The only contractors requested to attend would be Chem Waste and USPCI. Based on what Chem Waste says, we may identify a need to solicit input from Perland Environmental, either as a bidder or as a consultant, to identify any special learnings which arose from their execution of the Dead Creek remedy at Cerro. I will draft a letter of invitation to the two contractors for your review. You would be the referenced contact for setting up the review meetings. The most important aspect of the request letter is a clear statement of what the project is and isn't; I'll need some more help on that aspect.

5. As you suggested, we should check with John Nolle to identify opportunities and limitations relative to the offsite disposal of materials, especially with regard to the USPCI landfill approval timing.

I am not aware of a remedial action contract with USPCI. The negotiation process for this form of contract is long and tedious. It would typically take up to 3 months. I will call USPCI to confirm where they are with regard to contracts with Monsanto and advise your team accordingly. If there is no contract, I will contact Forseman and others to assure that there is an interest in pursuing a contract with USPCI. If yes, I can send a draft and get the discussion going. This may be a good investment in time anyway since we may use USPCI elsewhere. This approach would get us going on a parallel path for contract development and remove another potential timing constraint.

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6. It would be helpful to me if I were included on the team meeting minutes. Also, because of the rapid action required, it would be helpful if a short weekly or bi-weekly report of status be issue by you. This is a very aggressive schedule---communications are a key to attaining it.

Let me know if I can be of further assistance.

Jim

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